



SAFETY Network

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www.michigan.gov/ohsp

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Granholm lauds traffic safety milestones

Governor Jennifer M. Granholm praised Michigan's accomplishments in traffic safety following the recent release of state-by-state safety belt use by the National Highway Traffic Safety Administration. The report ranks Michigan's new 94.3 percent safety belt use rate as second only to Washington, which recorded a usage rate of 96.3 percent.

Michigan has experienced five consecutive years of increasing safety belt use. During that same time period, the number of traffic fatalities, injuries and crashes steadily decreased. In fact, in 2005, the state reached the lowest traffic fatality level since 1945, and the lowest number of traffic-related injuries since 1959.

"Thanks to significant strides in reducing deaths on our roadways, Michigan continues to set the standard for traffic safety nationwide,"

said Colonel Peter C. Munoz, director of the Michigan State Police. "These results are even more impressive when you consider that more vehicles travel more miles each and every year."

The official safety belt use rate of 94.3 percent, the highest ever recorded in Michigan, was derived by trained observers from the Wayne State University Transportation Research Group who conduct-

ed an end-of-summer direct observation survey at various locations throughout the state. The results reveal Michigan's belt use rate rose slightly from 94 percent in May 2006.

"These positive results represent a true team effort that involved local police agencies, sheriff offices and Michigan State Police as well as a host of other traffic safety partners across the state," said Michael L. Prince, OHSP division director.

Michigan experienced its first significant increase in safety belt use in 2000 when the state's primary enforcement law took effect. Belt use went from 70 percent with a secondary enforcement law to 83.5 percent that year. Safety belt use in Michigan first climbed above 90 percent in 2003, reaching 90.5 percent. In 2005, belt use jumped again, reaching 92.9 percent.

For every 1 percent increase in safety belt use, an estimated 10 traffic deaths and 130 serious injuries are prevented annually.

Currently, only 10 states and Puerto Rico have belt use rates above 90 percent, with rates varying across the country from as low as 63.5 percent in New Hampshire and Wyoming to a high of 96.3 in Washington. The national use rate stands at 81 percent.



Michigan now ranks No. 2 nationally in safety belt use



Emily Bowness answers media questions about her rollover crash and involvement in the new safety belt PSA.

Crash survivor promotes safety belt use in PSA

Emily Bowness of Holland has much to be thankful for – not the least of which is a safety belt.

On May 22, the Holland woman was involved in a horrific rollover crash on I-96 in Ingham County, a crash that could have claimed her life if she was not buckled up.

"I remember rolling the first time, and I remember landing," Bowness said. "I knew I was hurt, but I knew I was alive. Wearing my safety belt saved my life."

The crash was the result of a merging vehicle causing another vehicle to veer into Bowness' lane, which then caused her to swerve and rollover. The entire incident was captured on the in-car camera of an Oakland County deputy who happened to be driving behind Bowness on the highway.

The footage made national head-

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lines, and Bowness has been interviewed countless times, appearing on several television talk shows. In an effort to urge more motorists to buckle up, Bowness also agreed to work with the Michigan Office of Highway Safety Planning (OHSP) on a new public service announcement (PSA) promoting the use of safety belts.

Television stations across the state have been sent the 30-second PSA and asked to play it in an effort to encourage motorists to buckle up every time they get into a vehicle.

According to the National Highway Traffic Safety Administration, safety belts are proven to reduce the risk of serious injury or death in a crash by 45 percent in a car. The risk of reduction for pickup trucks and sport utility vehicles is as much as 60 percent.

The PSA can be viewed at www.michigan.gov/ohsp.

Proper use of child safety restraints urged during National Child Passenger Awareness Week

Proper use of child restraints has saved 7,500 children since 1975, according to the National Highway Traffic Safety Administration (NHTSA). Yet, motor vehicle crashes remain the No. 1 killer of children ages 4 to 14 in America and 0 to 15 in Michigan.

As part of National Child Passenger Safety Week Feb. 11-17, the Michigan Office of Highway Safety Planning (OHSP) urged parents and caregivers to make sure their child safety seat was installed correctly. Statewide, 16 children ages 0-8 died and nearly 2,300 were injured in motor vehicle crashes in 2005.

"There are several common mistakes parents and caregivers make when installing child safety seats," said Michael L. Prince, division director of OHSP. "Visiting child safety seat check events or making an appointment with a technician are excellent ways to ensure their child is riding safely."

According to NHTSA, the three most common mistakes made in installing a child safety seat are: not attaching the

seat correctly and tightly to the vehicle, not fastening the harness tightly enough, and not using the chest clip correctly.

A recent child safety seat check event sponsored by George Matick Chevrolet, SAFE KIDS, OHSP and Children's Hospital of Michigan resulted in nearly 40 seats checked, with 16 seats being replaced.

"Ten of those seats needed to be destroyed," said Nancy Delaney, coordinator of the Child Passenger Safety Program at



George Matick Chevrolet hosted a child safety seat check event in conjunction with National Child Passenger Safety Week.

Children's Hospital and the Metro Detroit SAFE KIDS Coalition. "There was one case of improper installation that if the parents simply slammed on their brakes, those children could have been injured."

Child safety seats reduce the risk of death by 71 percent for infants (younger than 1 year old) and by 54 percent for toddlers (age 1-4) in passenger cars, according to NHTSA. Children ages 4-8 who use booster seats and safety belts are 59 percent less likely to be injured in a car crash than children who are restrained only by a safety belt.

Michigan law requires all children under age 4 to ride in an approved child safety seat and all passengers 15 and younger to be buckled up in all seating positions. Booster seats are recommended for children over age 4, until they reach 4'9" in height.

Register now for the Michigan Traffic Safety Summit

Registrations for the 12th Annual Michigan Traffic Safety Summit are being accepted. The Summit is an annual event bringing together law enforcement, traffic engineers, EMS, public health, and other professionals to learn and share information regarding the latest traffic safety programs, policies, and practices.

The longer, three-day event is March 13-15 at the Kellogg Hotel & Conference Center in East Lansing. Registration is \$125. Exhibitor registration costs are \$125 for non-profit and \$395 for-profit organizations.

The Summit features Chuck Hurley, chief operating officer of MADD national, a presentation on how traffic crash information can help save lives by Dr. Stewart Wang of the University of Michigan Health System, and a session on how fatigue affects driving skills by Dr. Christopher L. Drake of the Henry Ford Hospital Sleep Center and Wayne State University College of Medicine and Darrel Drobnich of the National Sleep Foundation.

Agenda information and registration forms can be found at www.michigan.gov/ohsp.

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MADD announces national campaign to eliminate drunk driving

COMBINATION OF STRONGER ENFORCEMENT, TOUGHER LAWS AND ADVANCED TECHNOLOGY MAKE IT POSSIBLE TO REMOVE THREAT

In a bold new effort designed to eradicate one of the nation's deadliest crimes, Mothers Against Drunk Driving (MADD) has launched a national Campaign to Eliminate Drunk Driving, which aims to literally wipe out drunk driving in the United States.

Despite a more than 40 percent decline in alcohol-related traffic fatalities since MADD was founded in 1980, the threat still remains. Every year, nearly 13,000 people are killed by drunk drivers with an illegal blood alcohol concentration (BAC) of .08 or above and countless others are injured. This represents more than 1,000 families every month that must live with the tragic consequences of drunk driving.

"The real possibility of eliminating drunk driving in this country is a powerful, even audacious, idea. Yet the tools are now at hand. Using technology, tougher enforcement, stronger laws and grass roots mobilization, the goal of eliminating a primary public health threat that has plagued the United States is within our reach," said Glynn Birch, national president of MADD, whose 21-month-old son was killed by a drunk driver in 1988.

MADD recently announced a four-point plan to lead the nation toward the goals of eliminating drunk driving:

- >> **INTENSIVE HIGH-VISIBILITY LAW ENFORCEMENT**, including twice-yearly crackdowns and frequent enforcement efforts that include sobriety checkpoints and saturation patrols in all 50 states.
- >> **FULL IMPLEMENTATION OF CURRENT ALCOHOL IGNITION INTERLOCK TECHNOLOGIES**, including efforts to require

alcohol ignition interlock devices for all convicted drunk drivers to stop the revolving door of repeat offenders.

- >> **EXPLORATION OF ADVANCED VEHICLE TECHNOLOGIES** through the establishment of a Blue Ribbon panel of international safety experts to assess the feasibility of a range of technologies that would prevent drunk driving.
- >> **MOBILIZATION OF GRASS ROOTS SUPPORT**, led by MADD and its more than 400 affiliates, to make the elimination of drunk driving a reality. MADD is uniting drunk driving victims, families, community leaders, and policy makers in the fight to eliminate drunk driving.

Research shows that the overwhelming majority of people arrested for drunk driving have driven drunk more than fifty times before their first arrest. Two-thirds of those whose licenses are suspended for drunk driving offenses drive anyway. Interlocks are proven to be up to 90 percent effective while on the vehicle, yet it is estimated that only one in eight convicted drunk drivers each year currently get the device, and most of those are repeat offenders. Sixty-five percent of the public support mandatory interlocks for first-time offenders, and 85 percent of the public support mandatory interlocks for repeat offenders.

In addition to stronger enforcement and mandatory interlocks for all convicted drunk drivers, MADD supports the development of new sensor technology already underway that allows a vehicle to recognize if a driver is drunk, and to stop



Hear first-hand about MADD's plans to eradicate drunk driving at the 12th Annual Michigan Traffic Safety Summit on March 13. Chuck Hurley, chief operating officer of MADD national, is a featured speaker at the event.

the driver from operating that vehicle.

MADD, NHTSA, the auto industry, and the Insurance Institute for Highway Safety are forming a cooperative research initiative via the Blue Ribbon Panel for the Development of Advanced Alcohol Detection Technology to help bring this new technology to market in the next ten years through a non-regulatory, voluntary and data driven effort.

MADD intends to work with law enforcement agencies, judicial organizations, auto manufacturers, insurers, distilled spirits companies, technology companies, safety advocates, health care professionals, and emergency technicians to abolish drunk driving in the U.S. through the Campaign to Eliminate Drunk Driving.

What's Ahead

MARCH

- 13-15 12th Annual Michigan Traffic Safety Summit www.michigan.gov/ohsp
- 25-27 Lifesavers 25 Conference www.lifesaversconference.org/

APRIL

- Alcohol Awareness Month www.nih.gov
- 22-28 National Tire Safety Week www.safercar.gov/tires
- 23-26 Global World Safety Week www.who.int/roadsafety/en/

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Pedestrian countdown signals appearing in Michigan

In an effort to improve intersection safety on Michigan's road system, the Michigan Department of Transportation (MDOT) has been working closely with various communities and traffic safety partners to install pedestrian countdown signals and incorporate other safety-related improvements into future designs. These new countdown signals display the number of seconds before the walk signal changes.

Why countdown signals? Because pedestrians can use this new information to adjust their speeds to cross the road. This especially benefits the elderly, who walk, on average, 25 percent slower than other pedestrians. Young parents pushing a stroller or holding onto a toddler's hand, bicyclists, and joggers trying to cross the



street while doing their workout, also will benefit from installation of these innovative signals.

MDOT expects to install more pedestrian countdown signals throughout the state, as area projects come to the forefront and additional safety funding is made available.

Toxicology support now available via interactive video testimony

By Felix K. Adatsi, Ph.D., Supervisor, Toxicology Unit, Michigan Department of State Police, Lansing Laboratory

Reprinted in part from the Green Light News

INTRODUCTION

The Toxicology Unit of the Michigan State Police (MSP) made yet another stride in the services it provides to support law enforcement in Michigan in September 2006 by successfully implementing interactive video testimony from toxicologists. Execution of the program was recently tested by way of a mock trial.

The pressure and anxiety akin to driving to court, locating the right courtroom, waiting to be called to the stand, swearing in under oath by a judge or magistrate, and finally, providing an opinion in the courtroom were all present. The only difference was a physical and spatial separation between the specific courtroom in this instance and the witness.

Such was my experience, when I was beamed into the courtroom of the 94th

District Court in the Upper Peninsula's Escanaba to testify via video interactive technology. Saddled with the task of honoring several subpoenas on a daily basis for year after year, a caseload that had skyrocketed primarily because of the passage of the new OUIL/OUID laws, and long drives to court, scientists in the Toxicology Unit sought ways by which technical services could still be provided to various agencies, without compromising quality.

One potential area that could be used to reduce some of this burden was identified - interactive video testimony. Funding was secured from the Office of Highway Safety Planning to launch a pilot program to test this technology. A video conference room was established at MSP as the venue from which to transmit both image

National seat belt and motorcycle helmet use rates announced

New data from the National Occupant Protection Use Survey (NOPS), indicates that seat belt use in the U.S. now stands at 81 percent, down slightly from the 2005 use rate of 82 percent. According to the report, belt use in the West climbed from 85 percent to 90 percent between 2005 and 2006; and it rose from 82 to 83 percent in the South. However, in the Northeast, belt use fell to 74 percent, down from 78 percent; and in the Midwest it dropped to 77 percent from 79 percent.

The latest new data also shows that 51 percent of motorcyclists in the U.S. now wear helmets, up from 48 percent in 2005. Motorcycle helmet use rose in the West between 2005 and 2006 (from 50 to 72 percent); and in the Northeast (from 42 to 47 percent). However, the use rate fell in the Midwest (from 53 to 50 percent) and in the South (from 49 to 45 percent). (The only helmets counted in the survey were those that comply with DOT standards.)

and voice of scientists and other potential witnesses to participating courtrooms during the interactive video testimony process.

Delta County's District Court was selected as a test site because of the volume of cases it handles per year involving drunk driving and its location - approximately 370 miles from Lansing. Travel by car to and from this court could take two days, and even if the travel time could be shortened by flight, the cost still remains a staggering travel expense to MSP.

DIAL-UP AND SET UP

Details of the interactive video testimony

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began with the establishment of a secure and reliable dial-up connection system between MSP and the court. Consideration was given to the following critical areas: ease of dial-up into the courtroom; audio-visual reception; and overall impact of the testimony on the court and those in attendance.

Dial-up was initiated from the video conference room at MSP and I was successfully beamed into the courtroom in Escanaba. Visual images received at both locations were clear, satisfactory, and free of jumps or jerky robotic type movements. The quality of the sound reception was also judged to be excellent and free of echoes.

There was adequate control over the cameras at both locations, thus, it was possible to view the prosecutor, defense counsel, and judge, and the judge had the appropriate control over his courtroom.

Were appropriate documents and evidentiary materials provided to counsels prior to the trial?

To facilitate a smooth progression of the trial, the prosecutor and I discussed the matter at length, ensuring there was proper and adequate compliance with the new rule(s) of evidence since testimony was going to be over the airwaves. Relevant supporting data and appropriate materials impinging on the case were sent to the prosecutor and provided to defense counsel ahead of time. They were then appropriately and clearly marked for easy reference before being tendered as exhibits during the trial. Other anticipated evidentiary and reference materials were also provided to both parties prior to the trial.

TRIAL PROCEEDINGS

As is usually done during a regular trial, the prosecutor went through the normal process of direct examinations after presenting me as an expert to the court. Subsequent to that, the defense also questioned me. My virtual presence ended when both parties had no further questions of

me. I did not physically step down from the witness stand, but my contribution to this trial concluded with a fade out of my image into cyber space.

AREAS OF CONCERN

An area of concern that had been raised regarding interactive video testimony by defense counsels is the idea of not being able to confront a witness in person. Some have speculated that from the comfort of a video room, critical indicators of panic, anxiety, and nervousness of the witness might be concealed to the jury and work to the advantage of the prosecution.

While it is probable that minute details of body language and certain aspects of the demeanor of the witness could be missed by the jury, there appeared to be enough avenues for the defense to mount their challenge. The clarity of the voice and image of the witness was so remarkable that nuances in tone and expression could still be discernible. Additionally, from my experience in this trial, I can testify truthfully there was neither comfort nor relaxation in the process. The beads of cold sweat may not have been immediately visible to jurors, nonetheless, they were excreted!

Another area of concern is whether it is possible for the witness to refer to notes or documents that may not have been provided to the defense counsel prior to trial. During the mock trial, a defense counsel in attendance noticed some files and folders sitting next to me on the desk and queried if the witness was referring to secret notes and documents. Herein lay the transparent nature of the interactive video technology. Minute details and knowledge about the witness are still visible and aspects of the behavior of the witness which appear bothersome to the defense are still visible and may be explored during the trial.

ADVANTAGES AND DISADVANTAGES

There are clearly many advantages to providing testimony via interactive video

technology. Scientists in the Toxicology Unit are served an average of four subpoenas a day to testify in various courts across the state. In some instances, these testimonies require only a few minutes on the stand after long drives to the courtroom. By testifying from a single secure and reliable location we are able to expand our services to several courts in a single day. Additionally, this process offers tremendous monetary savings and frees up time for scientists to concentrate on the large volume of casework.

How about the defense expert? Will the defense expert be able to testify by video? Theoretically, yes. However, this may not originate from the MSP facility. Supposedly, if such an expert could establish a video communication system that is acceptable to the court, then such testimony could be welcome. Another technical advantage to this interactive video testimony is the fact that both parties are able to discuss a particular case fully, at least in the manner of its presentation, prior to trial.

CONCLUSION

Interactive video testimony is a technology whose time has probably come as a useful tool in gathering and assessing the opinions from experts in legal matters. Contraction of temporal and spatial separation between participants engaged in a trial is easily achieved, thereby maximizing the usefulness and efficiency of witnesses to the legal system. The ease with which this mock trial was conducted to the benefit of both parties should offer tremendous opportunities to law enforcement personnel of the availability of yet another tool that could facilitate the determination of guilt or innocence of an individual. Video testimony should be seen as another application of forensics when the scales of justice are once again balanced.

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Study reveals new perspectives on crashes involving large trucks

*By Captain Robert Powers, Michigan Department of State Police
Reprinted from the Green Lights News*

The Federal Motor Carrier Safety Administration (FMCSA) has published the results of an in-depth, nationwide, two-year study into causation factors of crashes involving large trucks (more than 10,000 pounds). The study, conducted during 2001-2003, shed some new light on causation factors and dispels some previously held beliefs about who and what is causing most crashes.

Prior to the FMCSA study, it was commonly accepted that in crashes involving a car and a large truck, the driver of the passenger vehicle was at fault 70 percent of the time. The new study found passenger car drivers to be at fault in only 56 percent of the crashes.

Another important finding is that regardless of whether it is the car driver or truck driver who was at fault in the crash, it was driver error that caused the vast majority of the crashes. Engineering issues were found in 16 percent of the crashes and equipment failure was a factor in only 10 percent of crashes.

As expected, excessive speed and driver fatigue were found to be significant causation factors. A factor which has not received much recognition in the past, but appears as a significant factor is prescription drug use by both car and truck drivers. It is important to point out that prescription drug use did not necessarily cause the crash, but it was found to possibly be a contributing factor. Further analysis of this new phenomenon will be required before further conclusions and countermeasures can be prescribed.

In crashes in which the driver of the truck was at fault, 28.4 percent of crashes involved a failure to recognize the danger, 38 percent involved in error in decision making on the part of the driver, and 11.6



percent involved an error in execution of crash avoidance actions.

Work zone crashes in Michigan have increased by 50 percent between 1997 and 2004. Large trucks are clearly over-represented in work zone crashes. While large trucks account for only 10.3 percent of all registered vehicles, and 16.1 percent of total motor vehicle miles traveled, large trucks are involved in 24 percent of all fatal work zone crashes.

While there is much more work to be done to improve safety on our highways, there is solid success to be celebrated. In Michigan, between 2000 and 2005, the number of fatal crashes involving large trucks decreased from 153 to 122, the number of injury crashes decreased from 3,846 to 2,823 and the total number of truck crashes dropped significantly from 20,085 to 15,641. The number of persons who died in truck crashes fell from 172 to

136 during this same period.

So what can law enforcement, prosecutors, and the judiciary do to keep these numbers moving in a positive direction? First, complacency must be avoided at all costs. Second, more focus must be directed to driver behavior, with special emphasis on the truck driver. And, finally we must work toward a better understanding of the various factors that contribute to crashes involving large trucks.

To learn more about the FMCSA Large Truck Causation Study, and about truck safety in general, please visit the following websites: www.fmcsa.dot.gov or www.atri-online.org.

The Michigan State Police Motor Carrier Division can also provide assistance with truck crash investigations and can provide training and consultation on matters pertaining to commercial motor vehicles.

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Receipts can be valuable pieces of evidence, and a key change in the drunk driving law

By David Wallace, Traffic Safety Training Attorney, Prosecuting Attorney's Association of Michigan

For any officers reading this article, when you're investigating an intoxicated driver, don't forget to ask a couple key questions and keep your eyes open during the search incident to an arrest. During your search, look for receipts of any alcohol purchases. A receipt can be an invaluable piece of evidence during a trial - or when the defendant says that he only had two beers. A receipt may tell us the location of the defendant when he was drinking, provide the date, time, and it may even provide the employee who rang up the sale. By itself, it may not be admissible in court - not without a witness from the bar, but with that damning piece of evidence, it is possible a prosecutor can show the claim of two beers is not accurate. Also, don't forget to look for the hand stamps

hand stamp are from different places, it can add to the amount of alcohol he had that night.

In addition, be sure to ask two questions: "Where are you going?" and "Where are you coming from?" If these questions are answered, it is possible to use a map and determine if the defendant was anywhere near the two locations, or off the beaten path in a different direction. This can be especially useful in a trial to show where the defendant was located at the time of the stop, and where he was trying to get to.

Statutory Change: An important change in the OWI statute occurred on January 3. The "two priors within ten years" requirement for OWI 3rd offenses was eliminated. From now on, for an OWI 3rd,



a fine of not less than \$500 or more than \$5,000 and to either of the following..." (Emphasis added) The same changes were made to Operating While Visibly Impaired and Child Endangerment charges - the ten year limitation was eliminated. This is a significant change and it will ensure that people are held accountable for their actions even if it is over a longer time period.

In addition, Public Act 565 of 2006 provides that the Secretary of State's office will among other things, keep any convictions pursuant to MCL 257.625 on a person's driving record for the life of the driver. These convictions include OWI, Operating While Visibly Impaired, Child Endangerment, and OWI Causing Death. That law does not go into effect until October 31, 2010.

For more information on these changes and PAAM training programs contact David Wallace, Traffic Safety Training Attorney, at (517) 334-6060 or e-mail at wallaced@michigan.gov.

Consult your prosecutor before adopting practices suggested by reports in this article. The court decisions in this article are reported to help you keep up with trends in the law. Discuss your practices that relate to these statutes and cases with your commanding officers, police legal advisors, and the prosecuting attorney before changing your practices in reliance on a reported court decision or legislative change.



or wristband of which bar or club where the person had been drinking. That provides another piece of evidence about the defendant's drinking and the location. If you have a digital camera, take a picture of the stamp or wrist band. The picture, along with the receipt can place the defendant at the bar - and if the receipt and

if the defendant has two priors at any time during their life, they can be charged with the felony offense. Public Act 564 of 2006 says: "If the violation occurs after two or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, the person is guilty of a felony and shall be sentenced to pay

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